United Nations CRC/C/URY/CO/3-5

Convention on the Rights of the Child

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Committee on the Rights of the Child

Concluding observations on the combined third to fifth periodic reports of Uruguay*

I. Introduction

1. The Committee considered the third to fifth periodic reports of Uruguay (CRC/C/URY/3–5) at its 1952nd and 1954th meetings (see CRC/C/SR.1952 and 1954), held on 19 and 20 January, and adopted the following concluding observations, at its 1983rd meeting, held on 30 January 2015.

2. The Committee welcomes the submission of the combined third to fifth periodic reports of the State party (CRC/C/URY/3–5) and the written replies to the list of issues (CRC/C/URY/Q/3–5/Add.1), which allowed for a better understanding of the situation of children's rights in the State party.[1] The Committee expresses its appreciation for the constructive dialogue held with the multisectoral delegation of the State party.

II. Follow-up measures undertaken and progress achieved by the State party

3. The Committee notes with appreciation the ratification of the:

(a) Convention for the Protection of All Persons from Enforced Disappearance, in March 2009;

(b) Convention on the Rights of Persons with Disabilities, in February 2009.

4. The Committee welcomes the adoption of the following legislative measures:

(a) Act on Maternity and Paternity Allowance of 15 November 2013;

(b) Adoption Act of 18 September 2009;

(c) General Education Act of 10 December 2008;

(d) Sexual and Reproductive Rights Act of 1 December 2008;

* Adopted by the Committee at its sixty-eighth session (12–30 January 2015).

[1] The term "children" encompasses anyone under the age of 18, including adolescents.

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(e) Personal Integrity of Children and Adolescents Act, against degrading corporal punishment, of 20 November 2007.

5. The Committee also welcomes the following institutional and policy measures:

(a) Establishment of the National Human Rights Institution and Ombudsman in June 2012;

(b) Establishment of the Adolescent Criminal Responsibility System in July 2011;

(c) The National Strategy for Children and Adolescents (2010–2030) and its National Plan of Action (2010–2015).

III. Main areas of concern and recommendations

A. General measures of implementation (arts. 4, 42 and 44, para. 6, of the Convention)

The Committee's previous recommendations

6. **The Committee recommends that the State party take all necessary measures to address its previous recommendations made in 2007 (CRC/C/URY/CO/2) that have not been implemented or not sufficiently implemented and, in particular, those relating to data collection (para. 19), training and dissemination (para. 21), the minimum age of marriage (para. 26) and administration of juvenile justice (para. 68).**

Legal status of the Convention

7. While noting that the Supreme Court of Justice has declared that international human rights treaties have constitutional status in the national legal framework, the Committee is concerned about the limited application of the Convention owing to the lack of awareness among judges.

8. **The Committee recommends that the State party take all necessary measures to ensure the full applicability of the Convention in the domestic legal system and to include information in its next periodic report on the specific cases in which the Convention has been directly applied by the domestic courts. The Committee urges the State party to carry out awareness-raising activities on the content of the Convention, in particular among judges, lawyers and law enforcement officials, as well as members of the General Assembly of Uruguay and other actors responsible for the implementation of the Convention.**

Comprehensive policy and strategy

9. While welcoming the development of the National Strategy for Children and Adolescents 2010–2030, as well as the development of a plan of action for its implementation (2010–2015), the Committee notes with concern the lack of information concerning evaluation of the implementation of the National Strategy and its previous plan of action. The Committee is also concerned that the new plan of action (2015–2020) has not yet been elaborated, which negatively affects the implementation of the National Strategy.

10. **The Committee recommends that the State party take into account the results of the evaluation of its Plan of Action (2010–2015) in the elaboration of the new plan (2015–2020). The Committee also recommends that the State party ensure that sufficient human, technical and financial resources are allocated for the**

implementation, monitoring and evaluation of the National Strategy for Children and Adolescents and its Plan of Action.

Coordination

11. While noting that the Consultative Honorary Council has an active role in articulating the development and implementation of public policies among the different public authorities and actors at the national level, the Committee remains concerned that in practice the Council has not ensured effective coordination between the various institutions and relevant actors, including civil society organizations involved in the implementation of children's rights. The Committee is also concerned about the lack of adequate human, technical and financial resources allocated to the Council.

12. **The Committee reiterates its previous recommendation (CRC/C/URY/CO/2, para. 12) and urges the State party to provide the Consultative Honorary Council with sufficient authority to coordinate all activities relating to the implementation of the Convention at the cross-sectoral, national, regional and local levels, including civil society organizations working in the field of children's rights. The State party should ensure that the said Council is provided with the necessary human, technical and financial resources for its effective operation.**

Allocation of resources

13. While noting the information provided by the delegation that budgetary allocations to programmes and services for children and families have increased and that 19 per cent of total public expenditure is allocated for children, the Committee remains concerned about the:

(a) Sectoral elaboration of the budget making it difficult to identify whether the resources allocated are adequate for the implementation of the Convention;

(b) Lack of impact assessment of the budgetary measures adopted on children's rights;

(c) Unequal distribution of resources among the different sectors and regions, leading to the persistence of inequality among children and adolescents.

14. **The Committee recommends that the State party, in planning its future budget, take into account the recommendations made during the day of general discussion in 2007 on "Resources for the rights of the child — responsibility of States" and, more specifically, that it:**

(a) Allocate adequate budgetary resources to the maximum extent possible, in accordance with article 4 of the Convention, for the implementation of children's rights and, in particular, increase the budget allocated to the social sectors;

(b) Build capacity so as to utilize a child-rights approach in the elaboration of the State budget and implement a tracking, monitoring and evaluation system for the allocation and use of resources for children by all relevant sectors throughout the budget, thus providing visibility to the investment for children. This tracking system should also be used for impact assessments on how investments in any sector could serve the best interests of the child, ensuring that the differential impact of such investment on girls and boys is measured;

(c) Conduct a comprehensive assessment of budget needs and establish clear allocations for those areas relating to children's rights that progressively address disparities in indicators such as gender, disability and geographical location;

(d) Define strategic budgetary lines in general and sectoral allocations for children in disadvantaged or vulnerable situations (for example, girls, children living in rural and remote areas, children of African descent and children with disabilities) who may require social measures, and make sure that those budgetary lines are protected, even in situations of economic crisis, natural disaster or other emergencies.

Data collection

15. While noting that the State party has established an information system for childhood (SIPI), as part of the Uruguayan Institute for Children and Adolescents, as well as the Comprehensive Information System on the Social Area, the Committee is concerned that there are many inconsistencies and gaps in relation to data collection, particularly in the fields of health, juvenile justice, violence and abuse, disability, and concerning children without parental care and those of African descent.

16. **In the light of its general comment No. 5 (2003) on general measures of implementation of the Convention on the Rights of the Child, the Committee urges the State party to expeditiously establish a comprehensive data collection system. The data should cover all areas of the Convention and should be disaggregated by age, sex, disability, geographic location, ethnic origin and socioeconomic background in order to facilitate analysis on the situation of all children, particularly those in situations of vulnerability. Furthermore, the Committee recommends that the data and indicators be shared among the ministries concerned and used for the formulation, monitoring and evaluation of policies, programmes and projects for the effective implementation of the Convention. In this context, the Committee also recommends that the State party strengthen its technical cooperation with, among others, the United Nations Children's Fund (UNICEF), regional mechanisms and the Inter-American Children's Institute.**

Independent monitoring

17. While welcoming the establishment of the National Human Rights Institution and Ombudsman, the Committee is concerned about the lack of adequate human and financial resources allocated to this body, particularly the lack of staff specialized in children's rights, which limits the efficiency of its complaints mechanism. The Committee is also concerned about the lack of awareness of this institution among children and adolescents.

18. **In the light of its general comment No. 2 (2002) on the role of independent national human rights institutions in the promotion and protection of the rights of the child, the Committee recommends that the State party take measures to provide the National Human Rights Institution and Ombudsman with adequate human, technical and financial resources, including staff specialized in children's rights, so as to ensure the effective implementation of its mandate, including its complaints mechanism. The Committee also recommends that the State party take all necessary measures to raise awareness among children about the existence of this office, as well as about the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, once it has been formally ratified.**

Training

19. The Committee notes with concern the lack of systematic training on the Convention among all professional groups working with and for children. In particular, the Committee is deeply concerned about the lack of training on the content of the Convention among judges, which on several occasions has led to interpretations of the State party's legislation that are in contradiction with the Convention and its Optional Protocols.

20. **The Committee recommends that the State party take all necessary measures for the provision of adequate and systematic training to all professional groups working for and with children, including teachers, law enforcement officials, parliamentarians, health personnel, social workers, personnel of childcare institutions and those working in communication media. The Committee urges the State party to set up systematic and comprehensive training programmes on the content of the Convention and its Optional Protocols for judges, lawyers, prosecutors and all professionals working in the administration of justice.**

B. Definition of the child (art. 1 of the Convention)

21. While noting as positive the statement of the delegation during the interactive dialogue on its commitment to raising the minimum age of marriage to 18 years, equally applicable to boys and girls, the Committee remains concerned that the age of marriage is 16 years.

22. **The Committee urges the State party to promptly amend its legislation in this regard.**

C. General principles (arts. 2, 3, 6 and 12 of the Convention)

Non-discrimination

23. While noting that the State party has a national plan against racism and discrimination, the Committee is concerned that discriminatory attitudes and social exclusion still affect some sections of the child population, and in particular children with disabilities, girls, children living in rural and remote areas, children from economically disadvantaged families and adolescents. The Committee is also concerned that adolescents are often portrayed as criminals in the media, and they are therefore subjected to discrimination in law and in practice.

24. **In the light of article 2 of the Convention, the Committee reiterates its previous recommendation (CRC/C/URY/CO/2, para. 28) that the State party:**

(a) Adopt a legal framework for eliminating discrimination, ensuring that it includes comprehensive prohibition of discrimination on all the grounds set out in the Convention;

(b) Intensify its efforts to prevent and eliminate all forms of de facto discrimination against children with disabilities, girls, children living in rural and remote areas, children in street situations, children from economically disadvantaged families and adolescents, including through public education campaigns;

(c) Take measures to address the inappropriate perception of children, especially adolescents, within society, including in the media.

Best interests of the child

25. While noting that article 6 of the Code on Childhood and Adolescence incorporates the principle of the best interests of the child, the Committee is concerned that the right of the child to have his or her best interests taken as a primary consideration is not always respected, particularly in judicial and administrative decisions and when children are separated from their parents. The Committee also notes with concern the impossibility of appealing or revising decisions when this right has not been respected.

26. **In the light of its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that the State party:**

(a) Strengthen its efforts to ensure that this right is appropriately integrated and consistently applied in all legislative, administrative and judicial proceedings and decisions, as well as in all policies, programmes and projects that are relevant to and have an impact on children;

(b) Develop procedures and criteria to provide guidance to all relevant persons in authority for determining the best interests of the child in every area and for giving them due weight as a primary consideration;

(c) Establish an effective mechanism within its legal system to appeal against decisions taken without a proper assessment of children's best interests.

Respect for the views of the child

27. While welcoming the establishment of the Children's Advisory and Consultative Council as a consultative body to the Uruguayan Institute for Children and Adolescents, the Committee is concerned about its lack of interaction with the various institutions involved in the implementation of children's rights. The Committee is also concerned that the participatory councils in the education field are not completely operational, particularly at the secondary level. The Committee further regrets the lack of information on how the right of the child to be heard has been implemented in relevant administrative and judicial proceedings.

28. **In the light of its general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State party take measures to strengthen this right in accordance with article 12 of the Convention. To that effect, it recommends that the State party:**

(a) Expand the participation and involvement of the Children's Advisory and Consultative Council in public decision-making processes concerning children;

(b) Ensure that the participatory councils are fully operational at all school levels, particularly the secondary level, and further strengthen those established at the primary level;

(c) Take measures to ensure the effective implementation of legislation recognizing the right of the child to be heard in relevant legal proceedings, including by establishing systems and/or procedures for social workers and courts to comply with the principle.

D. Violence against children (arts. 19, 24, para. 3, 28, para. 2, 34, 37 (a) and 39 of the Convention)

Torture and other cruel or degrading treatment or punishment

29. The Committee is seriously concerned about:

(a) Allegations of ill-treatment and torture in police stations of adolescents suspected of having committed crimes and of children in street situations;

(b) Reports of excessive use of force and collective punishments in detention facilities, children and adolescents being locked up in their cells for up to 22 hours per day and about the administration of anti-anxiety medication to juvenile detainees as a means of restraint, as pointed out by the Committee against Torture (see CAT/C/URY/CO/3) and the

Special Rapporteur on torture and other forms of cruel, inhuman or degrading treatment or punishment (see A/HRC/13/39/Add.2);

(c) Information about overcrowded and extremely poor conditions in detention centres for children and adolescents;

(d) Lack of a systematic inspection mechanism to investigate and evaluate actual conditions in detention centres, as well as violations of existing regulations;

30. **With reference to the Committee's general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, the Committee urges the State party to:**

(a) Take all necessary measures to prevent and prohibit, and to protect children from, all forms of torture or other cruel, inhuman or degrading treatment or punishment in detention, including by the police;

(b) Establish an independent complaints mechanism accessible to all children deprived of their liberty;

(c) Ensure prompt, independent and effective investigation of all alleged cases of torture or ill-treatment of children and prosecute offenders;

(d) Ensure that conditions of detention in penitentiaries comply with the minimum international sanitary and hygienic standards;

(e) Provide independent investigations of alleged irregularities in the administration of medication to juvenile detainees, and provide victims with care, the means of recovery, compensation and rehabilitation.

Violence, abuse and neglect

31. While noting that corporal punishment is prohibited in all settings, the Committee is concerned that the legislation does not provide a specific sanction for those inflicting corporal punishment. The Committee is also concerned that violence against children remains a serious problem in the State party and that measures adopted to identify and protect child victims of violence, including domestic violence, remain inadequate.

32. **The Committee recommends that the State party:**

(a) Ensure that laws prohibiting corporal punishment are effectively implemented, including through the imposition of appropriate sanctions on those responsible for ill-treating children;

(b) Formulate a comprehensive strategy for preventing and combating child abuse, including awareness-raising and education programmes involving children, former victims, volunteers and members of the community;

(c) Establish a national database of all cases of domestic violence against children, and undertake a comprehensive assessment of the extent, causes and nature of such violence;

(d) Ensure the effective dissemination and implementation of the Integrated System for the Protection of Children and Adolescents from Violence (SIPIAV) by all actors throughout the country;

(e) Cooperate with the Special Representative of the Secretary-General on Violence against Children and other relevant United Nations institutions.

Sexual exploitation and abuse

33. The Committee is concerned about the prevalence of sexual exploitation and abuse of children, including in the home, and the lack of effective measures taken by the State party to prevent and respond to it. The Committee regrets that cases of such sexual exploitation and abuse are not effectively investigated and perpetrators are not prosecuted. In addition, psychosocial support, recovery and reintegration services are not equally available throughout the country. The Committee is also concerned about the stigmatization of child victims of such offences.

34. **The Committee recommends that the State party:**

(a) Ensure accessible, confidential, child-friendly and effective reporting channels for cases of child sexual abuse and exploitation, including by expanding the existing mechanisms for mandatory reporting of such cases;

(b) Take adequate measures to investigate all cases of child sexual exploitation and abuse effectively, and hold perpetrators accountable for these offences;

(c) Develop countrywide policies and programmes for the prevention, recovery and reintegration of child victims of sexual exploitation and abuse;

(d) Conduct awareness-raising activities among professional groups working for and/or with children, including teachers, law enforcement officials, health personnel, social workers, personnel of childcare institutions and the public at large, with the aim of combating the stigmatization of victims of sexual exploitation and abuse.

E. Family environment and alternative care (arts. 5, 9–11, 18, paras. 1 and 2, 20, 21, 25 and 27, para. 4)

Family environment

35. While noting as positive the State party's legal obligation to provide support to families in vulnerable situations, the Committee is concerned that support services for families at risk of losing parental responsibility are still inadequate. The Committee is also concerned about the lack of a comprehensive strategy addressing issues such as domestic violence, mental health, substance abuse and poverty with a view to preventing the separation of children from their family environment.

36. **The Committee recommends that the State party strengthen its support services for disadvantaged and marginalized families, including financial and psychological support, to assist parents in fulfilling their responsibilities for the upbringing and development of children. The Committee also recommends that the State party develop a comprehensive strategy aimed at supporting families, and reinforce its care system by including a child-rights perspective.**

Children deprived of a family environment

37. While welcoming the efforts made by the State party to provide family and community-based alternatives for children deprived of a family environment, the Committee remains concerned about the large number of children placed in full-time institutional care, and that siblings are not placed in the same institution. Despite the measures adopted for the deinstitutionalization and/or reunification of these children with their biological families, the Committee remains concerned about the limited impact of

those measures. The Committee also notes with concern the lack of an adequate mechanism to monitor the placement of children in foster care and institutions.

38. **Drawing the State party's attention to the Guidelines for the Alternative Care of Children (General Assembly resolution 64/142, annex), the Committee recommends that the State party:**

(a) Continue to promote a system of foster care for children who cannot stay with their families, with a view to reducing the institutionalization of children;

(b) Ensure adequate safeguards and clear criteria, based on the best interests of the child, for determining whether a child should be placed in alternative care;

(c) Ensure periodic review of decisions about the placement of children in foster care and institutions, and monitor the quality of care therein, including by providing accessible channels for reporting, monitoring and remedying maltreatment of children;

(d) Ensure that adequate human, technical and financial resources are allocated to alternative care centres and relevant child protection services, in order to facilitate the rehabilitation and social reintegration of children;

(e) Intensify its efforts to implement measures for the deinstitutionalization of children currently living in institutions, and ensure, whenever it is possible and in their best interests, their reunification with their families.

Adoption

39. While welcoming the legal amendments in relation to the adoption process, the Committee remains concerned about lengthy adoption procedures, particularly owing to the lack of technical staff to undertake assessments of adoption applications.

40. **The Committee recommends that the State party adopt all necessary measures to ensure that adoption procedures are carried out in the shortest possible time frame and, to this end, ensure that all institutions involved in such procedures are provided with adequate human, technical and financial resources.**

Children in prison with their mothers

41. The Committee is concerned about the inadequacy of prison facilities for children living in prisons with their mothers and about the non-application of article 8 of Act 17.897 on probation, which allows for women who would otherwise be in detention to be placed under house arrest during the last trimester of pregnancy and the first three months of breastfeeding.

42. **The Committee strongly recommends that the State party:**

(a) Take effective and urgent measures to ensure adequate living conditions for children in prison with their mothers, including access to health and education services;

(b) Ensure the effective implementation of article 8 of Act 17.897 on probation;

(c) Ensure that the principle of the best interests of the child is applied by competent child professionals prior to and during the child's stay with his or her detained mother;

(d) Seek technical assistance from UNICEF and other relevant partners in this regard.

F. Disability, basic health and welfare (arts. 6, 18, para. 3, 23, 24, 26, 27, paras. 1–3, and 33 of the Convention)

Children with disabilities

43. While noting that the Plan of Action 2010-2015 for the National Strategy for Children and Adolescents includes a section on the care, education and social inclusion of children with disabilities, the Committee is concerned that the State party has not adopted a comprehensive policy on the inclusive education and participation in society of children with disabilities. The Committee regrets that discrimination against children with disabilities remains widespread in the State party.

44. **In the light of article 23 of the Convention and of its general comment No. 9 (2006) on the rights of children with disabilities, the Committee urges the State party to adopt a human rights-based approach to disability, and specifically recommends that it:**

(a) Set up comprehensive measures to develop inclusive education, and ensure that inclusive education is given priority over the placement of children in specialized institutions and classes;

(b) Train and assign specialized teachers and professionals to provide individual support and due care to children with learning difficulties in ordinary schools;

(c) Adopt a human rights-based policy that addresses the barriers that hinder the full and effective participation in society of children with disabilities on an equal basis with other children;

(d) Undertake awareness-raising campaigns aimed at government officials, the public and families to combat the stigmatization of and prejudice against children with disabilities and promote a positive image of such children.

Health and health services

45. The Committee welcomes the State party's efforts to improve the coverage of the National System of Health and welcomes the adoption of the National Programme on Rural Health. However, the Committee is concerned about the large number of children suffering from nutritional disorders, such as chronic malnutrition, anaemia and obesity.

46. **In the light of its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, the Committee recommends that the State party strengthen its efforts to ensure access to high-quality health services by all children, particularly children living in the most disadvantaged and remote areas of the country, and encourages the State party to develop policies and programmes to address chronic malnutrition and anaemia.**

Mental health

47. The Committee notes the lack of information on the current situation with regard to the use of methylphenidate for children with attention deficit hyperactivity disorder (ADHD) or attention deficit disorder (ADD).

48. **The Committee recommends that the State party undertake a study to evaluate the situation of children diagnosed with ADHD or ADD, and the prescription of psychostimulants, such as methylphenidate.**

Adolescent health

49. While welcoming the measures adopted to address the high rates of teenage pregnancy and to provide support to teenage mothers, the Committee remains concerned about the insufficient accessibility of sexual and reproductive health services and education. The Committee is also concerned about information that pregnant teenagers who have decided to terminate their pregnancies do not receive adequate support and counselling.

50. **In the light of its general comment No. 4 (2003) on adolescent health and development, the Committee recommends that the State party:**

(a) Strengthen its efforts to ensure that sexual and reproductive health education is part of the mandatory school curriculum and is targeted towards adolescent girls and boys, with special attention to preventing early pregnancy and sexually transmitted infections;

(b) Ensure equal access to confidential and adolescent-sensitive sexual and reproductive health services;

(c) Develop and implement a policy to protect the rights of pregnant teenagers, adolescent mothers and their children and combat discrimination against them;

(d) Ensure that pregnant teenagers seeking to terminate their pregnancies receive adequate support and counselling in accordance with their age, situation and specific needs.

Drug and substance abuse

51. The Committee is concerned that, while tobacco, alcohol and drug consumption are widespread among adolescents, programmes and services for those affected by substance abuse remain limited.

52. **The Committee recommends that the State party address the prevalence of substance abuse, including tobacco and alcohol abuse, provide children and adolescents with objective information in this respect, and develop accessible and youth-friendly drug dependence treatment and harm reduction services.**

HIV/AIDS

53. The Committee notes with satisfaction that the State party has improved access to antiretroviral treatment and has adopted a national strategy for the prevention of HIV/AIDS vertical transmission. It is concerned, however, about the lack of a comprehensive HIV/AIDS prevention strategy addressed to children and adolescents.

54. **In the light of its general comment No. 3 (2003) on HIV/AIDS and the rights of the child, and of the International Guidelines on HIV/AIDS and Human Rights, the Committee recommends that the State party:**

(a) Continue to strengthen and develop policies and programmes to provide care and support for children infected or affected by HIV/AIDS, including programmes and policies to strengthen the capacity of families and the community to care for such children;

(b) Adopt a comprehensive strategy, including awareness-raising campaigns, to prevent the incidence and spread of HIV/AIDS among children and adolescents;

(c) Seek technical assistance from and strengthen its cooperation with the Joint United Nations Programme on HIV/AIDS, UNICEF, the United Nations Development Programme and the World Health Organization.

Standard of living

55. While welcoming efforts made by the State party to significantly reduce child poverty, the Committee remains concerned that 20 per cent of children still live in poverty, particularly children of African descent.

56. **The Committee recommends that the State party intensify its efforts to address in a sustained manner the still high rate of child poverty, including through the elaboration of a child poverty reduction strategy. The State party should establish a coherent framework identifying priority action against social exclusion of children, in particular children of African descent, children with disabilities, children in rural and remote areas and children from marginalized and disadvantaged families, including specific and measurable objectives, clear indicators, a time frame and sufficient economic and material support.**

G. Education, leisure and cultural activities (arts. 28–31 of the Convention)

Education, including vocational training and guidance

57. The Committee welcomes the efforts made by the State party to increase its expenditure on education and to improve the education system. The Committee is concerned, however, about the high dropout rate in secondary schools, and that children in vulnerable situations, children living in rural and remote areas, and children of African descent continue to face discrimination in the education system and have a very low graduation rate. The Committee is also concerned that the economic conditions and poor training of teachers continue to have a negative impact on the quality of education for all children.

58. **In the light of its general comment No. 1 (2001) on the aims of education, the Committee recommends that the State party:**

(a) Continue its efforts to allocate sufficient financial resources for the development and improvement of the national education system;

(b) Adopt concrete measures to ensure equal access to high-quality education for all children, particularly children in vulnerable situations, children living in rural and remote areas, and children of African descent;

(c) Adopt a comprehensive strategy to address factors contributing to the repetition and non-completion of schooling and ensure that all children complete their schooling, particularly children in vulnerable situations, children living in rural and remote areas, and children of African descent;

(d) Continue its efforts to further develop training for teachers and to improve their working conditions, in order to encourage them to provide education of a high quality.

Early childhood development

59. While welcoming efforts made by the State party to expand early childhood care and education, the Committee is concerned about the low number of early childhood care and education services available throughout the country, especially for children under the age of 3. The Committee is also concerned about the quality and monitoring of these services.

60. **The Committee recommends that the State party further improve the quality and coverage of its early childhood care and education, including by:**

(a) Prioritizing the provision of such care to children under the age of 3, with a view to ensuring that it is provided in a holistic manner that includes overall child development and the strengthening of parental capacity;

(b) Increasing the availability of early childhood care and education for all children, by providing free or affordable early childhood care, whether through State-run or private facilities;

(c) Ensure that all providers of early childhood care and education undergo compulsory registration and are supervised on the basis of specific criteria.

Right to play

61. The Committee notes with concern the information about the lack of, or poor conditions of, playgrounds, parks and other public spaces available for recreational, cultural and sports activities for children.

62. **In the light of its general comment No. 17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts, the Committee recommends that the State party take all necessary measures to ensure that all children, including adolescents, have access to adequate public space for play, recreation, cultural and sports activities.**

H. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)–(d) and 38–40 of the Convention)

Unaccompanied children

63. Despite the information provided by the State party, the Committee is concerned about the lack of a special procedure for the protection of unaccompanied migrant children. The Committee is also concerned about information on the absence of a procedure for the appointment of a guardian and a legal representative for unaccompanied children.

64. **In the light of its general comment No. 6 (2005) on treatment of unaccompanied and separated children outside their country of origin, the Committee recommends that the State party introduce comprehensive legislation ensuring assistance to and the protection of unaccompanied migrant children. In particular, the Committee recommends that the State party establish a specific and permanent national authority to oversee the conditions of unaccompanied migrant children, identify their needs and address problems of the current system, and to develop operational guidelines on unaccompanied migrant children, including guidelines on their reception and identification, on needs assessment and on a protection strategy.**

Economic exploitation, including child labour

65. The Committee is concerned about children are being economically exploited, particularly in street vending; garbage collection and recycling; the construction sector;

domestic work; and in the agriculture and forestry sectors. The Committee is also concerned at the large number of children involved in hazardous work in agriculture and fishing, using dangerous tools, carrying heavy loads, applying harmful pesticides, herding livestock and working long hours.

66. **The Committee recommends that the State party take urgent measures to monitor and address exploitative and hazardous forms of child labour by:**

(a) Taking measures to prevent children under the minimum age from working in all sectors;

(b) Strengthening its efforts to provide reliable information on the number of children who carry out economic activities;

(c) Improving monitoring mechanisms, with the aim of ensuring that existing labour laws are enforced and children are protected from economic exploitation;

(d) Carrying out effective investigation of cases of economic exploitation and holding perpetrators accountable;

(e) Seeking technical assistance from the International Programme on the Elimination of Child Labour of the International Labour Organization, UNICEF, relevant non-governmental organizations and development partners for the development of rehabilitation and reintegration programmes for child labourers.

Children in street situations

67. While noting the establishment of the Street and Extreme Street Programmes by the State party to provide support to children in street situations, the Committee is seriously concerned about the lack of updated information on the number of children in such situations and the length of time it is taking to change from a punitive to a human rights-based approach for such programmes. The Committee is also concerned about reports of abuse by the police of children in street situations. The Committee further regrets the lack of social services and measures for the recovery and reintegration of such children.

68. **The Committee recommends that the State party:**

(a) Develop and implement, with the active involvement of the children themselves, a comprehensive policy to address the root causes of the phenomenon of children in street situations, in order to prevent and reduce it;

(b) Strengthen services by training more personnel and developing individualized rehabilitation programmes for reintegrating children into society;

(c) Address the issue of violence by the police against children in street situations, and bring perpetrators to justice;

(d) In coordination with non-governmental organizations, provide children in street situations with the necessary protection, including shelter, adequate health-care services, the possibility to attend school, and other social services;

(e) Support family reunification programmes or placement in alternative family settings when they are in the best interests of the child.

Administration of juvenile justice

69. The Committee is concerned at the increasing social perception that juvenile delinquency has been on the rise in the State party, which is not grounded in official data

but has led to various reforms of the Code on Childhood and Adolescence that are not in line with the Convention, particularly:

(a) The establishment of a new national registry of criminal records for adolescents in conflict with the law that allows the preservation of criminal records when adolescents have been convicted for certain crimes;

(b) The criminalization of "attempt at theft" in the Juvenile Criminal Offenders Act No. 18777 of July 2011;

(c) The extension of the duration of pretrial detention from 60 to 90 days;

(d) Changes of classification of serious crimes into very serious crimes, which have a negative impact, especially on mandatory pretrial detention.

70. **The Committee recommends that the State party take all necessary measures to ensure that its legislation is in full compliance with the principles and provisions of the Convention, and to that end repeal the recent amendments to the Code on Childhood and Adolescence on the administration of juvenile justice which restrict the safeguards enshrined in articles 37 and 40 of the Convention.**

71. The Committee is also concerned about:

(a) The absence of a specialized juvenile justice system throughout the country;

(b) Excessive use of deprivation of liberty, both as a pretrial and punitive measure, and the extension of the duration of pretrial detention;

(c) Limited use of alternative measures to detention;

(d) The lack of recovery and social reintegration programmes for children.

72. **In line with its previous recommendation (CRC/C/URY/CO/2, para. 68), its general comment No. 10 (2007) on children's rights in juvenile justice, and other relevant standards, the Committee urges the State party to:**

(a) Establish expeditiously specialized juvenile court facilities and procedures with adequate human, technical and financial resources, designate specialized judges for children and ensure that such judges receive appropriate education and training;

(b) Promote alternative measures to detention, such as diversion, probation, mediation, counselling or community service, wherever possible, and ensure that detention is only used as a last resort and for the shortest possible period, and that it is reviewed on a regular basis with a view to its withdrawal;

(c) In cases where detention is unavoidable, ensure that detention conditions are compliant with international standards, including with regard to access to education and health services;

(d) Adopt effective measures aimed at the recovery and social integration of children in conflict with the law.

73. To that effect, the Committee recommends that the State party make use of the technical assistance tools developed by the Interagency Panel on Juvenile Justice and its members, including the Office of the United Nations High Commissioner for Human Rights, UNICEF, the United Nations Office on Drugs and Crime and non-governmental organizations, and seek technical assistance in the area of juvenile justice from members of the Panel.

I. Ratification of the Optional Protocol on a communications procedure

74. **The Committee encourages the State party to complete, without further delay, the ratification of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, in order to further strengthen the fulfilment of children's rights.**

J. Cooperation with regional bodies

75. **The Committee recommends that the State party cooperate with the Organization of American States (OAS) on the implementation of children's rights, both in the State party and in other OAS member States.**

IV. Implementation and reporting

A. Follow-up and dissemination

76. **The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee also recommends that the combined third to fifth periodic reports, the written replies of the State party to the list of issues, and the present concluding observations be made widely available in the languages of the country.**

B. Next report

77. **The Committee invites the State party to submit its combined sixth and seventh periodic reports by 19 June 2021 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 1 October 2010 (CRC/C/58/Rev.2 and Corr.1) and should not exceed 21,200 words, as stipulated by the General Assembly in paragraph 16 of its resolution 68/268. In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.**

78. **The Committee also invites the State party to submit an updated core document, not exceeding 42,400 words, in accordance with the requirements for the common core document in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents, approved at the fifth inter-committee meeting of the human rights treaty bodies in June 2006 (HRI/GEN/2/Rev.6, chap. I), and by the General Assembly in paragraph 16 of its resolution 68/268.**